

EXECUTIVE ORDER

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SECURITY REQUIREMENTS RELATING TO  
CIVILIAN EMPLOYMENT IN SENSITIVE  
POSITIONS IN THE GOVERNMENT

By virtue of the authority vested in me by the Constitution and statutes of the United States, including section 1753 of the Revised Statutes of the United States (5 U.S.C. 631), the Civil Service Act of 1883, 22 Stat. 403 (5 U.S.C. 632, et seq.), and the act of August 26, 1950, 64 Stat. 476 (5 U.S.C. 22-1, et seq.), and as President of the United States, it is hereby ordered as follows:

Section 1. It is deemed necessary in the best interest of the national security that, in addition to the departments and agencies specified in the said act of August 26, 1950, and Executive Order No. 10237 of April 26, 1951, the provisions of that act be, and they are hereby, extended to all other departments and agencies of the Government in which there are civilian positions affecting the national security, which positions shall be designated as sensitive positions pursuant to section 2 of this order.

Section 2. The head of each department and agency shall designate or cause to be designated as a sensitive position any civilian position within his department or agency the occupant of which could bring about by virtue of the nature of the position an adverse effect on the national security. Such a position is one in which the occupant (1) has access to defense information or materials classified as "Confidential", "Secret", or "Top Secret" pursuant to the provisions of Executive Order No. 10501 of November 5, 1953; (2) exercises or participates in policy-making functions which could adversely affect the national security; or (3) by his misconduct could adversely affect the national security.

Section 3. The head of each department and agency of the Government shall be responsible for establishing and maintaining within his department or agency an effective program to insure that the employment and retention in employment of any civilian officer or employee in a position designated as sensitive in accordance with the provisions of this order is not contrary to the purposes of the act of August 26, 1950, or this order.

Section 4. Whenever there is developed or received by any department or agency information indicating that the retention in employment of any officer or employee of the Government in a sensitive position may not be in the interest of the national security, the head of the department or agency concerned shall immediately suspend the employment of the person involved if he deems such suspension necessary in the interest of the national security, and, following such investigation and review as he may deem necessary, the head of the department or agency concerned shall terminate the employment of such suspended officer or employee whenever he shall determine such termination to be necessary or advisable in the interest of the national security, in accordance with the said act of August 26, 1950. Determinations by department and agency heads pursuant to this section shall be conclusive and final.

Section 5. No person whose employment is suspended or terminated under the authority granted to heads of departments and agencies by or in accordance with the said act of August 26, 1950, shall be reinstated or restored to duty or reemployed in the same department or agency in a sensitive position unless the head of the department or agency finds that such reinstatement, restoration, or reemployment is in the interest of the

national security, which finding shall be made a part of the records of such department or agency: Provided, that no person whose employment has been terminated under such authority may thereafter be employed by any other department or agency except after a determination by the Civil Service Commission that such person is eligible for such employment.

Section 6(a). Each person who is an applicant for, or an occupant of, a sensitive position shall be subject to investigation, and, except as provided in subsection (b) of this section, no sensitive position shall be occupied until such an investigation has been completed. The scope of such investigation shall be determined by the head of the department or agency concerned, or by his representative, but in no event shall it include less than a national agency check (including a check of the fingerprint files of the FBI) and written inquiries to appropriate local law-enforcement agencies, former employers and supervisors, references, and schools attended by the person under investigation: Provided, that such written inquiries may be dispensed with in the case of any person who has completed a minimum of 5 years of continuous civilian service with the Government (except for breaks in service not in excess of 90 days) if no information exists that reflects unfavorably upon the loyalty, character, integrity, or reliability of such person: And provided further, that in any instance in which the applicant for, or an occupant of, a sensitive position is an alien or shall have access to defense information or material classified "Top Secret" pursuant to Executive Order No. 10501, of November 5, 1953, a full field investigation shall be conducted.

(b) A sensitive position may be occupied for a limited period of time by a person, except an alien, with respect to whom the minimum investigation

has not been completed in any instance in which the head of the department or agency, or his representative, finds that such action is necessary in the national interest, which finding shall be made a part of the records of such department or agency.

(c) In any instance in which it is impossible to complete a full field investigation of an alien because of geographic or political considerations, such alien may occupy a sensitive position when an appropriate substitute investigation has been conducted, and sufficient reliable information has been compiled to support a determination by the head of the department or agency concerned, or his representative, that the occupancy of such sensitive position is not contrary to the purposes of the said act of August 26, 1950, or this order.

(d) Nothing in this section shall be construed as requiring a new investigation with respect to an occupant of a sensitive position if such occupant has been the subject of an investigation conforming to the minimum requirements specified in this section.

Section 7. Investigations relating to applicants for, and occupants of, sensitive positions conducted pursuant to this order shall be designed to develop information as to whether the employment or retention in employment in a sensitive position of the person being investigated is in the interests of the national security. Such information shall relate, but shall not be limited, to the following:

(a) Commission of any act of sabotage, espionage, treason, or sedition, or attempts thereat or preparation therefor, or conspiring with, or aiding or abetting, another to commit or attempt to commit any act of sabotage, espionage, treason, or sedition.

(b) Establishing or maintaining a close continuing or sympathetic association with a saboteur, spy, traitor, seditionist, anarchist, or revolutionist, or with an espionage or other secret agent or representative of a foreign nation, or any representative of a foreign nation the interests of which may be inimical to the interests of the United States, or with any person who advocates the use of force or violence to overthrow the government of the United States or the alteration of the form of government of the United States by unconstitutional means.

(c) Advocacy of use of force or violence to overthrow the government of the United States, or of the alteration of the form of government of the United States by unconstitutional means.

(d) Membership in, or affiliation or close continuous or sympathetic association with, any foreign or domestic organization, association, movement, group, or combination of persons which is totalitarian, fascist, communist or subversive, or which has adopted, or shows, a policy of advocating or approving the commission of acts of force or violence to deny other persons their rights under the Constitution of the United States, or which seeks to alter the form of government of the United States by unconstitutional means.

(e) Close continuous or sympathetic association with a member or members or affiliates of an organization referred to in paragraph (d) of this section.

(f) Participation in the activities of an organization infiltrated by members of an organization referred to in paragraph (d) of this section under circumstances indicating sympathy for such members or their purposes.

(g) Intentional, unauthorized disclosure to any person of security information, or other information disclosure of which is prohibited by law, or wilful violation or disregard of security regulations.

(h) Performing, or attempting to perform, his duties, or otherwise acting, so as to serve the interests of another government in preference to the interests of the United States.

(i) Any facts which furnish reason to believe that the individual may be subjected to coercion, influence, or pressure which may cause him to act contrary to the best interests of the national security.

(j) Refusal by the individual upon the ground of constitutional privilege against self-incrimination to testify before a congressional committee or grand jury regarding any matter pertaining to loyalty, security, or subversive connections.

(k) Any behavior, activities, or associations which tend to show that the individual is not reliable or trustworthy.

(l) Any deliberate misrepresentations, falsifications, or omission of material facts.

(m) Any criminal, infamous, dishonest, immoral, or notoriously disgraceful conduct, habitual use of intoxicants to excess, drug addiction, or sexual perversion.

(n) Any illness, including any mental condition, of a nature which in the opinion of competent medical authority may cause significant defect in the judgment or reliability of the employee, with due regard to the transient or continuing effect of the illness and the medical findings in such case.

(o) Refusal by the individual upon the ground of constitutional privilege against self-incrimination to testify before a congressional committee or grand jury regarding any matter other than a matter pertaining to loyalty, security, or subversive connections.

Section 8(a). There shall be established and maintained in the Civil Service Commission an investigations index covering all persons as to whom investigations have been conducted by any department or agency of the Government under this order. The investigations index shall contain the name of each person so investigated, adequate identifying information concerning each such person, and a reference to each department and agency which has conducted an investigation concerning the person involved or has suspended or terminated the employment of such person under the authority granted to heads of departments and agencies by or in accordance with the said act of August 26, 1950.

(b) The heads of all departments and agencies shall furnish promptly to the Civil Service Commission information appropriate for the establishment and maintenance of the investigations index.

(c) The investigation of persons entering, or employed in, the competitive service in a sensitive position shall primarily be the responsibility of the Civil Service Commission, except in cases in which the head of a department or agency assumes that responsibility pursuant to law or by agreement with the Commission.

(d) The investigation of persons (including consultants, however employed) entering the employment of, or employed by, the Government in a sensitive position other than in the competitive service shall primarily be the responsibility of the employing department or agency. Departments

and agencies without investigative facilities may use the investigative facilities of the Civil Service Commission, and other departments and agencies may use such facilities under agreement with the Commission.

(e) There shall be referred promptly to the Federal Bureau of Investigation all investigations being conducted by any other agencies which develop information in the nature of the matters described in paragraph (a) to (j), inclusive, of section 7 of this order. In cases so referred to it, the Federal Bureau of Investigation shall conduct a full field investigation.

(f) The reports and other investigative material and information developed by investigations conducted pursuant to any statute, order, or program relating to loyalty or security shall remain the property of the investigative agencies conducting the investigations, but may, subject to considerations of the national security and the discretion of the investigative agency, be retained on loan by the employing department or agency.

Section 9. Nothing in this order shall be construed as eliminating or modifying in any way the requirement or authority for any investigation or any determination relating to security or other personnel matters which may be otherwise required or authorized by law.

Section 10. The Attorney General shall continue to furnish the information described in paragraph 3 of Part III of Executive Order No. 9835 of March 21, 1947, as amended (revoked by Executive Order No. 10450 of April 27, 1953). Information heretofore furnished by the Attorney General pursuant to section 12 of Executive Order No. 10450 shall remain unaffected.



Section 11. The Civil Service Commission, with the cooperation of the departments and agencies, shall continue to maintain a roster of competent and disinterested Government employees who shall be available to sit as members of security hearing boards. Such boards, composed of not less than three members, shall, in accordance with said act of August 26, 1950, be convened by the head of the department or agency concerned, or his representative, and shall act in an advisory capacity in making their findings and recommendations to the head of such department or agency. No member of a security hearing board shall be an employee of the department or agency convening such board.

Section 12. The Attorney General, or such person as he may designate, is requested to render to the heads of the departments and agencies, or their representatives, such legal advice as may be requisite to enable them to establish and maintain an appropriate program pursuant to this order.

Section 13. Except with respect to postmasters, the provisions of this order shall not apply to any person who occupies a specific office to which he was appointed by the President by and with the advice and consent of the Senate: Provided, that nothing in this section shall be construed as requiring any postmaster position to be designated as sensitive pursuant to section 2 of this order.

Section 14. This order supersedes Executive Order No. 10450 of April 27, 1953, as amended. Any pending proceedings instituted pursuant to the said Executive Order No. 10450 in which suspension has occurred may be continued to a final determination under the authority, and in accordance with the provisions, of that order.